

# The Pioneer of Assumption.

OFFICIAL JOURNAL OF THE PARISH OF ASSUMPTION.

Vol. XX.

NAPOLEONVILLE, La., SATURDAY, SEPTEMBER 8, 1877.

No. 13.

## FERRY STORE

NAPOLEONVILLE.

THE FERRY STORE has always on hand every article in the Grocery line and are offered at very moderate prices. The following are specially recommended:

- Flour, Meal, Rice, Tea, Syrup, Vinegar, Salt, Black Pepper, Canned Fruits, Lard, Ham, Bacon, Shoulders, Sides, Mince, Sardines, Cod Fish, Mackerel, Pickles, Mustard, Potatoes, Onions, Cheese, Staroh.
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and you will be convinced that cheaper Groceries cannot be bought elsewhere.

The only Steam Manufactory of Cofectio nary in the South.

Silver Medals, Diplomas and Premiums awarded.

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SUCCESSOR TO ERNEST TURPIN, Manufacturer and Wholesale Dealer in stick Calfy (the best made), French and Fancy Candles, Sugar Toys, Chocolates, Jellies, Syrups, Fruits, all sorts of Dry and Ginger Cakes, Fire Works, Surprises and Cash Boxes, &c. &c. 38 OLD LEVEE STREET, NEW ORLEANS, LA.

## Francioni & Folse,

COMMISSION MERCHANTS, No. 5 St. Louis Street.

LIBERAL ADVANCES MADE ON CON-SIGNMENTS.

## Assumption Lodge No. 208

F. & A. M.

Officers for the ensuing year: Geo. G. Garner, P. M., W. W. M.; F. W. Pike, S. W.; Pierre Julius, L. W.; Pierre J. Gilbert, F. M.; Seery, J. George Henry, S. D.; Thos. K. McNeil, J. D.; Adolphe Badesau, Tyler.

## THE CENTENNIAL MEDAL!

The Truth at Last!

## HOWE MACHINE

Again Triumphant!

At the 45th Exhibition of the American Institute Fair in this city, the Howe Machine was recommended by the judges, and approved by the unanimous vote of the Board of Managers, for the GREAT GOLD "CENTENNIAL MEDAL," under the following rules: "This Medal (of gold) is to be awarded only for a machine, product, or process, exhibited this Centennial year, at the 45th Exhibition of the American Institute of the city of New York. It can be awarded only for a machine, product, or process, of great value, decided importance, and of more than usual merit; and then only by a majority of the whole Board of Trustees, upon the written report of three judges, whose report shall certify to the above requirements, and after said report shall have been approved by a majority of the whole Board of Managers." It will be thus seen that the "Howe" still leads all competitors—and we challenge all Sewing Machine Companies in the land to produce an award of like excellence received in this CENTENNIAL YEAR.

## THE HOWE MACHINE CO.,

188 CANAL STREET, NEW ORLEANS

## AUSTIN BABIN,

J. M. LAMARE, Manager.

## Produce Merchant

No. 151 DECATUR ST., NEW ORLEANS.

Consignments of Cotton, Sugar, Rice, Fruits, Vegetables, Poultry, Eggs, Wool, Moss, Hides, &c., respectfully solicited.

## FOR SALE.

Two Mules and One Horse. Apply to FRANCOIS GAUDIN, Napoleonville.

## WM. M. MARKS,

Attorney and Notary Public, PLATTENVILLE, LA.

## GUION & FOLSE,

Attorneys at Law, NAPOLEONVILLE, ASSUMPTION, LA.

Practice in the Courts of the Fifteenth Judicial District, in the adjoining parishes and in the Supreme Court.

## PUGH & HOWELL,

Attorneys at Law, DONALDSONVILLE, LA.

Will practice in Assumption and Assumption.

## D. LEBLANC & W. GUION,

Attorneys at Law, NAPOLEONVILLE, ASSUMPTION, LA.

## BEAMIS & ARNOLD,

ATTORNEYS AT LAW, Custom-House, Up Stairs, NEW ORLEANS, LA.

Will give prompt attention to any business in the city, and in the Parishes of Assumption and Lafourche.

## R. N. SIMS,

Attorney at Law, DONALDSONVILLE, LA.

Will practice in the Parishes of Assumption, St. James and St. John the Baptist.

## ALBERT P. LAUVE,

Attorney and Notary Public, PAINCOURTVILLE, LA.

## J. B. WHITTINGTON,

Attorney and Notary Public, NAPOLEONVILLE, LA.

Will attend promptly to all business in the Fifteenth Judicial District Court and Supreme Court.

THE SUBSCRIBERS ARE FROM THIS Day Associated in the Practice of Medicine and the Firm is FORD & BORDIS. JOSEPH D. FORD, GASTON C. BORDIS. March 1, 1875

## A. ANCHORDOQUY,

Wheelright and Blacksmith, NAPOLEONVILLE, LA.

Carriages, Buggies, Carts, Wagons, &c. made and repaired at New Orleans prices.

## DR. PAUL HUMBERT,

DENTIST.

Performs all operations on the teeth in the latest and most scientific manner. Consultations free, and all work guaranteed. Office: No. 73 Railroad Avenue, DONALDSONVILLE.

## A. F. HICKMAN

Wholesale Grocer

Importer of Wines & Liquors, 35, DECATUR ST., NEW ORLEANS.

## ALPH. WALZ,

RECTIFIER, Importer and Wholesale and Retail Dealer in Liquors, ALE, PORTER AND CIDER, Agent for the CELEBRATED AURORA LAGER BEER, 26 Conti Street, 26 Between Chartree and Old Levee Streets, NEW ORLEANS.

## LEON QUEYROUZE, OSCAR BOIS

QUEYROUZE & BOIS

Wholesale Grocers, Dealer in— WINES AND LIQUORS And all kinds of WESTERN PRODUCE, AT THE BLUE STORES, Cor. Old Levee & Bienville Sts., NEW ORLEANS.

## H. H. HANSELL,

Saddlery and Saddlery Hardware, NEW ORLEANS, LA.

22 MAGAZINE ST. AND 74 COMMON ST.

## —THE—

### Detroit Free Press.

## THE LIVELIEST OF FAMILY

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Full of interesting news, literature, humorous sketches, spicy paraphrases etc. Sample copies Free. Subscription: Two Dollars a year, post-paid.

Address, DETROIT FREE PRESS, Detroit, Mich.

## WASHINGTON HOTEL

NAPOLEONVILLE, LA.

Having been newly fitted up, is now fully prepared to accommodate all those who will honor it with their patronage.

Nothing has been spared to make this popular HOTEL a home for the traveling public. CHARLES DUPATY.

## THIBODAUX FOUNDRY

Thibodaux, La.

KEEFE & BODLEY, Are prepared to do Foundry Work, Machine work, and general Blacksmithing at the lowest prices.

We have refitted the Foundry with the most improved tools, and solicit a continuance of the Planters' patronage.

## H. H. CARVER,

Attorney at Law, NAPOLEONVILLE, LA.

Will attend promptly to all business entrusted to him in the Third and Fourth Judicial Districts.

## STRAYED.

Taken up on the 13th day of July, 1877, a Dark Sorrel Mare, with a white spot on the nose and forehead, and four feet black, branded on the left shoulder A.F. BEN BENJAMIN, JR., Justice Peace 2nd Ward, Parish of Assumption, July 17, 1877.

## Notice to Teachers.

The examination of applicants for Teachers of the Public Schools of this parish, will take place at Napoleonville—for males on Monday 13th inst., and for ladies on Thursday the 16th inst. WM. M. MARKS, Pres. School Board.

## BRICKS! BRICKS!!

The undersigned, having enlarged their BRICK YARD with the intention of carrying their business on a larger scale, solicit as heretofore the patronage of their friends, and are now prepared to deliver Bricks at all landings between Donaldsonville and Thibodaux at prices and conditions to suit purchasers. Address: DUGAS & TRUXILLO, Assumption Store. Constantly on hand a supply of TYLE BRICKS.

## BODLEY Bros.,

Wheeling, W. Va.

DEPOTS: No. 64 Common Street, New Orleans, and Thibodaux, La.

MANUFACTURERS OF Cane carts, Mule carts, Bagnese Carts, Rice carts, Town carts, Small carts, (of all sizes), Axle grease, (the best made) Spokes, Felloes, Wheeling Nails, etc., etc. ALL WORKS FULLY WARRANTED.

Mr. R. H. WEBSTER, Napoleonville, will keep a stock of Carts and Axle Grease.

## NOTICE.

The Assessment Roll of the parish of Assumption has been this day deposited by me with the Recorder of the parish of Assumption. Any person who may feel aggrieved by any assessment, must make an appeal in writing to the undersigned, stating particularly the correction desired within thirty days from the date hereof. EMILE B. HEBERT, Assessor. Assumption, La. August 15, 1877

## LAFOURCHE STAGE

NOTICE TO TRAVELERS.

The Stage carrying the United States Mail leaves Napoleonville daily (Sundays excepted) at 6 o'clock A. M., arriving at Donaldsonville at 9 o'clock.

Returning, leaves Donaldsonville on the arrival of the train from New Orleans and takes passengers to all points on Bayou Lafourche to Napoleonville at reasonable prices. For passage, apply at the Washington Hotel, Napoleonville, and City Hotel at Donaldsonville.

## The Pioneer.

Subscription Price, \$3 a Year.

## Official Directory.

### Fifteenth Judicial District.

[Comprising the parishes of Assumption, Lafourche, and Terrebonne.] District Judge..... Taylor Beattie District Attorney..... Seymour R. Snaer Regular terms of District Court in Assumption Parish open on first Monday in May and first Monday in November.

### Eighth Senatorial District.

State Senators..... Hon. F. S. Goode..... Thos. A. Cage

### Parish Officers.

Representatives..... George Drury..... John Hughes Parish Judge..... Alfred Tete Clerk of the Court..... Thos. Divine Recorder..... George Washington Treasurer..... August Bulow Tax Collector..... J. C. Thiac Sheriff..... A. J. Echeverria Coroner..... John Hickman Parish Physician..... Dr. R. R. Beasley Public Administrator..... Hiram H. Carver

### POLICE JURORS.

Wm. W. Pugh, President; Thos. D. Cox, W. B. Rattiff, Emile Tullieu, David Levy, John Weere, Moses R. Lite, Bazile Graves, Levy Williams.

The recent decision of the Supreme Court in the case of L. A. Webre vs. No. 769 William Wilton, from Lafourche, delivered at its recent session in Monroe, and which was printed and circulated by the *Sentinel* in a supplemental sheet, contains ideas and instructions in regard to the rights of the people, and the duties of supervisors and commissioners that should be generally circulated by the Press.

"A fundamental principle of American and Louisiana law is that it is the casting of the votes or ballots unimpeded by force or fraud which determines with us the result of elections."

### SUPREME COURT OF THE STATE OF LOUISIANA.

[EXTRACTS.]

There are not wanting among the utterances of those eminent judges and authors quoted by the District Judge others to the effect that the whole object of all laws regulating elections is under an American system to secure the great end of carrying out of the popular will; and the fact that contests for office are provided for by law presupposes what has always been practiced in such cases, an enquiry to the introduction of evidence as to who rightfully obtained, or would have obtained, at a legal, fair and peaceful election a majority of the votes.

How can this be done without proving by any legal evidence for whom the suffrages cast their votes. A fundamental principle of American and Louisiana law is that it is the casting of the votes, or ballots, unimpeded by force or fraud, which determines with us the results of elections; the laws—the police regulations which are or should be always framed to secure fair elections and a fair polling count and report of the votes are merely subsidiary to that end, and that while they should be observed and carried out they are of themselves of far less importance than the end to be attained. It is in the power of no officer or set of officers to substitute their own will for the votes and will of the people and wherever this has been done it is the duty of the Courts when properly appealed to not only to enter upon the enquiry but to award the right and if need be to punish the guilty. In *Auld vs. Walton* 12 A. 139 the language of the Court is: "The sovereign in this land is the people and the ballot is the expression of the sovereign will. The audacious criminal who lays the hand of violence (and we may add fraud) upon the ballot box in effect usurps the sovereignty of the country. Whenever therefore a case of such attempted usurpation is presented to the tribunals charged with the jurisdiction of contested elections, they should avail themselves of every legal recourse in their reach to ascertain whether the popular will has been expressed through the ballot box, and, if so, what it has decreed.

There is an essential difference between the act of voting and the police provisions to secure the evidence of the act. The principle that if the votes be deposited the object of the election is attained and its validity cannot be affected by the non-observance of the directory provisions of the law has often been disregarded in Louisiana of late years, as it was in this instance, not that the principles are not well settled in her jurisprudence and in that of our sister States, for they have been recognized and announced by the courts not only as constituted before the war, but by our immediate predecessors in the case of *Burton vs. Hicks*. It is to be constantly borne in mind that the point of enquiry is the will of the electors as manifested by their ballots. "The various provisions of the Statute under which the election of November last was held, however often they have been misinterpreted or disregarded, were by their terms and declared intent simply designed to protect and keep free the ballot and secure its legitimate results.

On the subject of the conduct of elections Judge Cooley says: Election statutes are to be tested like other statutes, but with a learning to liberality in view of the great public purposes which they accomplish; and except where they specially provide that a thing shall be done in the manner indicated, and not otherwise, their provisions designed merely for the information and guidance of the officers must be regarded as directory only; and the election will not be defeated by a failure to comply with them, provided the irregularity has not hindered any who were entitled from exercising the right of suffrage or rendered doubtful the evidences from which the result was to be declared." Again the author says, referring to the leading case of *People vs. Barb*: "It was said in the same case that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result and has not been occasioned by the agency of a party seeking to derive benefit from it, should be overlooked in a proceeding to try the right to an office depending on such questions."

APPLICATION FOR REHEARING.

MR. CHIEF JUSTICE MANNING DELIVERED THE OPINION AND DECREE OF THE COURT IN THE WORDS AND FIGURES FOLLOWING, TO-WIT:

It is rightly remarked by the counsel for the defendant, in his brief supporting the application for a rehearing "the great underlying principle in all contested election cases is to ascertain the will of the majority. The problem is to secure, first, to the voter a free and untrammelled vote, and secondly, a correct record and return of the vote; and that in all cases it is incumbent on the contestant to show that the acts of which he complains changed the result."

And we will add, if the acts of which a contestant complains do not change the result, courts will not intervene, though the conduct of the one or the other may be tainted by fraud, or vitiated by violence. For, of what concern is it to judicial tribunals to learn what bad and illegal acts either candidate may have been guilty of, if one received so large a majority over the other that he is elected notwithstanding the deduction from his poll of all the votes that should not have been received or counted.

But, when the case is otherwise—when the object and purposes of the officials, who have the machinery of elections in charge, is shown by testimony to have been not the ascertainment of the will of the majority, but the perversion of the expression of that will: not a correct record and return of the vote, but such a return as accomplished a pre-determined result; not an untrammelled vote, but so trammelled by cunning devices that the suffragan has been deceived or misled—then it is the highest office and the most imperative duty of a court to vindicate the purity and inviolability of the ballot, and to take care that the Republic, whose cornerstone is the vote of the citizen, shall receive no harm.

For the fundamental principle of every representative government is that it is not the return, but the election that entitles a party to an

office. Hence it has been uniformly held that the official return of an election is only *prima facie* evidence of its legality and correctness, and that a court can go behind it to ascertain the true state of the vote.

If this were not so, why should the intricate forms for registration be prescribed, or why the necessity of the voter personally offering his vote if a power vested anywhere to disregard everything that had been done at the ballot box and elect at the Returning Board?

The act of casting a vote is not to the citizen an empty form. It is the lever by which the majority raises itself to the summit of the government, and there controls, orders, executes.

## Poetry.

Written for THE PIONEER.] DEDICATED TO ———

When, by the gentle moonlight, Thou ro'v'st in mystic hours, Then let my beam, ever bright, Illumine thy path of flowers.

Whene'er thou, at even sigh, Musing on the past that's dead— Let my sphere light up thy sky, Giving back the hopes once fled.

When Memory brings some fair tale lay— Some form that haunts thy dream; Then let mine orb send forth her ray Thy path of life to gleam.

If e'er, through life, there is an hour That thou wouldst have made bright— Where some dark cloud is wont to lower, Seek, then, the gentle moonlight!

If thee a storm should overtake, Rendering all as black as night, May the Gentle Moonlight make This darkness turn to light.

## GENTLE MOONLIGHT.

—They had been married five months, and she was turning the leaves of a book, when she espied a pressed flower, part of a bouquet he had given her previous to wedlock, and said: " 'Tis but a little flower, but oh! how fondly dear!"

"I should say so," he growled. "That's a representative of a two-dollar bouquet; and to buy it I walked into town and deprived myself of luncheon for a week."

A Pennsylvania Dutchman who married his second wife soon after the funeral of his first was visited with a two hour's serenade in token of disapproval. He expostulated pathetically thus: "I say, boys, you ought to be ashamed of yourselves for making all tis noise ven der was a funeral here so shoon."

Subscribe to the PIONEER—only \$3 per annum.

## STATE OF LOUISIANA.

PARISH COURT. PARISH OF ASSUMPTION. No. 1166.

Succession of Jean Baptist Landry, fls.

WHEREAS, Roseline Simonoux has petitioned the Court for Letters of administration on the estate of the late Jean Baptist Landry, fls, deceased intestate.

Notice is hereby given to all whom it may concern to show cause within ten days from date of this notice why the prayer of said petitioner should not be granted.

By order of the Court. THOMAS DIVINE, Clerk of Court. Assumption, La., August 31, 1877.

## STATE OF LOUISIANA.

PARISH COURT. PARISH OF ASSUMPTION. No. 774.

Succession of Mathilde Bourry, deceased Wife of Louis Folse, deceased.

Notice is hereby given to the creditors and all persons interested in said succession to show cause within ten days from the present notification, if any they have or can, why the provisional account presented by Louis J. Folse, tutative tutor of said succession, in the matter of the minors Mathilde Folse, Alice and Agnes Hanson, should not be homologated and approved and the funds distributed in accordance therewith.

By order of the Court. THOMAS DIVINE, Clerk of Court. Assumption, La., August 31, 1877.